

001555		REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO		1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) 109 12/02			
TO: CITY ATTORNEY		2. FROM (ORIGINATING DEPARTMENT): Real Estate Assets Department		3. DATE: September 4, 2008			
4. SUBJECT: La Jolla Block 1F 20 SD Conversion-Easement Grant to SDG&E							
5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.) STEVE GEITZ (619) 236-6311, MS 51A <i>Steve Geitz 4/5/08</i>		6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.) David Yeargain (619) 236-6721, MS 51A		7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <div style="text-align: right;">X</div>			
8. COMPLETE FOR ACCOUNTING PURPOSES							
FUND DEPT. ORGANIZATION OBJECT ACCOUNT JOB ORDER C.I.P. NUMBER AMOUNT				9. ADDITIONAL INFORMATION / ESTIMATED COST: Fiscal Impact: \$1,590 processing fee deposited to Fund 100; Revenue Account No. 77438 Job: 924081 cc: Dept. Docket Clerk Thomas Guide Page: 1227 E-1			
10. ROUTING AND APPROVALS							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>[Signature]</i>	9/15/08	8	DEPUTY CHIEF	<i>[Signature]</i>	10/23/08
2	EAS	<i>[Signature]</i>	9/22/08	9	CITY ATTORNEY	<i>[Signature]</i>	10/23/08
3	EOCP/MEMO 5/3/96	<i>[Signature]</i>	9/29/08	10	ORIG. DEPT	<i>[Signature]</i>	11/4/08
4	FM	<i>[Signature]</i>	10/10/08	11			
5	AUDITORS	<i>[Signature]</i>	10/16/08	DOCKET COORD: _____ COUNCIL LIAISON <i>[Signature]</i> 11/18/08 COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: 12/2/08			
6	LIAISON OFFICE	<i>[Signature]</i>	10/22/08	<div style="font-size: 2em;">✓</div>			
7							
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTION(S) <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)							
Authorizing the Mayor, or his designee, to execute an Easement Deed in favor of San Diego Gas & Electric Company for underground facilities and appurtenances for the transmission and distribution of electricity and related purposes, affecting that portion of Playa De Las Arenas, in the First Addition to South La Jolla, according to Map 891, filed in the Office of the County Recorder in said County of San Diego. Authorizing the Comptroller to accept \$1,590 from San Diego Gas & Electric Co. and deposit into General Fund 100, Revenue Account 77438.							
11A. MANAGER'S RECOMMENDATIONS: ADOPT THE RESOLUTION							
12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.) <u>COUNCIL DISTRICT(S):</u> 1 <u>COMMUNITY AREA(S):</u> LA JOLLA <u>ACTION REQUESTED BY:</u> REAL ESTATE ASSETS DEPARTMENT <u>LOCATION:</u> An alley comprised of designated public right-of-way, adjacent to the north portion of Dune Lane, south of Sea Lane. <u>ENVIRONMENTAL ASSESSMENT:</u> The City of San Diego as Lead Agency under CEQA has reviewed and considered a Mitigated Negative Declaration No. 23247, dated November, 2007, covering this activity, adopted December 23, 2007. <u>ATTACHMENTS:</u> Report to Council, Easement Deed (form of), Area Map, picture of proposed easement area. <u>HANDLING:</u> DO NOT RECORD: RETURN DOCUMENTS TO Real Estate Assets Department, Attention: David Yeargain, M.S. 51A for further handling.							

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED:

ATTENTION: Council President and City Council

ORIGINATING DEPT: Real Estate Assets

SUBJECT: La Jolla 20 SD Conversion-Easement Grant to SDG&E

COUNCIL DISTRICT: 1

STAFF CONTACT: Steve Geitz (619-236-6311)

REQUESTED ACTION:

Adopt a Resolution granting an Easement Deed for property rights required for the 20 SD Conversion Project.

STAFF RECOMMENDATION:

Staff recommends adopting the Resolution.

EXECUTIVE SUMMARY:

As part of the City's utility undergrounding program, (Council Policy 600-08, attached), San Diego Gas & Electric Company (SDG&E) proposes to relocate existing pole-mounted transformers to ground pads and install various electric conduit runs. When possible, the facilities will be installed in City streets pursuant to existing franchise rules. One of the locations for the electric conduit runs is in Dune Lane, adjacent to the southern boundary of Sea Lane. Dune Lane is an alley comprised of dedicated public right-of-way and a City owned parcel, APN 351-090-05 as shown on the attached assessor's map, which was designated for street purposes pursuant to Council Resolution No. R-251597, dated April 14, 1980. However, this same resolution did not dedicate the parcel in perpetuity for public street purposes, therefore, SDG&E cannot install per franchise. This action will allow SDG&E to accommodate the City's project and install the new pad and transformer along with the necessary rights of ingress, egress, and maintenance of the proposed facilities. The total area of the easement is approximately 360 square feet. SDG&E will pay a \$1,590 processing fee for the easement. Since this project is a California Public Utilities Code 20SD conversion, the cost of which is paid by the City, no compensation is requested for this easement.

FISCAL CONSIDERATIONS:

A \$1,590 processing fee will be transferred into Fund 100, Revenue Account No. 77438.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:


This area has been declared by Council Resolution as part of an Underground Utility District.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A


KEY STAKEHOLDS & PROJECTED IMPACTS (if applicable):

Conversion of overhead facilities to underground facilities benefits the public health, safety or general welfare.

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Jim Barwiek
Real Estate Assets Director



William Anderson, FAICP
Deputy Chief & Operating Officer: Executive Director
City Planning & Development

Attachments:

1. Drawing
2. Easement Deed (Form of)
3. Council Policy 600-08
4. PUC Electric Rule 20

001559

DOCKET SUPPORTING INFORMATION

CITY OF SAN DIEGO

EQUAL OPPORTUNITY CONTRACTING PROGRAM EVALUATION

DATE:

September 29, 2008

SUBJECT: La Jolla Block IF 20 SD Conversion – Easement Grant to SDG&E

GENERAL CONTRACT INFORMATION

Recommended Consultant: Not Applicable

Amount of this Action: Not Applicable

SUBCONSULTANT PARTICIPATION

There is no subconsultant activity associated with this action.

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

Equal Opportunity Required:

This agreement is subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. 18173, Section 22.2701 through 22.2702) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517)

ADDITIONAL COMMENTS

This action is to adopt a Resolution granting and easement Deed for property rights required for the 20 SD Conversion Project.



Beryl Rayford

EOC Program Manager by: MM-J

Recording Requested by
San Diego Gas & Electric Company

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When recorded, mail to:

San Diego Gas & Electric Company
8335 Century Park Court Suite 100
San Diego, CA 92123
Attn: Real Estate Transactions CP11D

FORM 01

SPACE ABOVE FOR RECORDER'S USE

Project 432829-080

No.:

Transfer Tax:

Const. No.: 2813637

SAN DIEGO GAS & ELECTRIC COMPANY

APN No.: 351-090-05

EASEMENT

THE CITY OF SAN DIEGO, a municipal corporation (Grantor), for valuable consideration grants to SAN DIEGO GAS & ELECTRIC COMPANY, a corporation (Grantee), an easement and right of way in, upon, over, under and across the lands hereinafter described in Parcel 2, to erect, construct, modify, improve, reconstruct, relocate, repair, maintain and use facilities consisting of:

1. Underground facilities and appurtenances for the transmission and distribution of electricity and related purposes.

Grantee is further granted (i) the right of ingress and egress by a practical route or routes to, from, and along said easement in, upon, over, and across all that portion of the lands described in Parcel 1 below that Grantor owns on the date of this instrument, and (ii) the right to install the above described facilities at such locations and elevations as Grantee may now or hereafter deem convenient or necessary upon, along, over, through, under, and within said easement described in Parcel 2 below.

The property in which this easement and right of way is granted is located in the City of San Diego, County of San Diego, State of California, and described as follows:

Parcel 1: That portion of Playa De Las Arenas, in the First Addition to South La Jolla, according to Map thereof No. 891, filed in the Office of the County Recorder of said County of San Diego, described in a Tax Deed, recorded February 14, 1957 in Book 6456, Page 330 as Document No. 23329, of Official Records of said County of San Diego.

Parcel 2: The easement in the aforesaid lands shall be 6.00 feet in width, being 3.00 feet on each side of the center line of the facilities to be installed, the approximate location being shown and delineated as "Utility Facilities" on the Exhibit "A", attached hereto and made a part hereof.

Grantor shall not erect, place, or construct nor permit to be erected, placed or constructed any building or other structure, plant any tree, drill or dig any well within this easement, without prior written consent of Grantee, which consent shall not unreasonably be withheld.

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Grantor shall not increase or decrease the ground surface elevations within this easement after installation of Grantee's facilities without prior written consent of Grantee, which consent shall not unreasonably be withheld.

Notwithstanding the foregoing, subject to the review and written approval of improvement plans by Grantee for the adequate protection of Grantee's facilities in accordance with pertinent General Orders of the Public Utilities Commission of the State of California, Grantor retains the right to construct, reconstruct, and maintain aboveground structures, including but not limited to, fences, sidewalks, curbs, gutters, streets, or other improvements that require excavation and grading between ground surface and a maximum depth of 18 inches within said easement.

Grantee shall have all rights and powers, but is not hereby obligated, to (i) keep said easement free and clear from explosives, buildings, structures, and other materials and (ii) trim or remove trees and brush along or adjacent to this easement and remove roots from within this easement whenever Grantee deems it necessary. Said right shall not relieve Grantor of any obligation it may have under applicable laws as owner to trim or remove trees and brush to prevent danger or hazard to property or persons.

CONDUITS CARRY HIGH VOLTAGE ELECTRICAL CONDUCTORS. THEREFORE, GRANTOR SHALL NOT MAKE OR ALLOW ANY EXCAVATION OR FILL TO BE MADE WITHIN THIS EASEMENT WITHOUT FIRST NOTIFYING SAN DIEGO GAS & ELECTRIC COMPANY AND OBTAINING PERMISSION.

In the event Grantee, in its sole discretion, determines that this easement is no longer required for the conduct of its business, Grantee shall (i) furnish Grantor upon demand a good and sufficient Quitclaim Deed, of all Grantee's right, title, and interest in and to this easement, and (ii) remove, without cost to Grantor, any facilities which were installed by Grantee at its expense; provided, however, Grantee shall not be obligated to remove any underground lines and facilities. Notwithstanding the foregoing, in the event of non-use or abandonment of Grantee's facilities for a period of one year, Grantor retains the right to terminate this easement, and, upon written request, Grantee shall provide a Quitclaim Deed, as described above in subparagraph (i).

This easement and any covenants, conditions, and restrictions, contained herein shall run with the land and be binding upon and inure to the benefit of the successors, heirs, executors, administrators, permittees, licensees, agents, and assigns of Grantor and Grantee.

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Grantor has executed this easement this _____ day of _____, 20____.

THE CITY OF SAN DIEGO,
a municipal corporation

By: _____

Title: _____

Drawn LGomez
Checked _____
Sketch OS-13913
Date December 4, 2007

STATE OF CALIFORNIA

COUNTY OF _____)SS.

On _____, before me _____
_____ (name, title of officer), appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

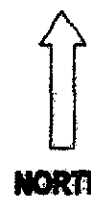
WITNESS my hand and official seal.

Signature _____

001565

351
01

ALLEY



NORTH

S E A

L A N E

UTILITY
FACILITIESEXISTING
HANDHOLEOWNER: CITY OF SAN
DIEGO, A MUNICIPAL
CORP.REC: FEB. 14, 1957, DOC# 23329
BOOK 6456, PAGE 330

APN 351-090-05

PLAYA DE

LAS ARENAS

FIRST

ADDITION

TO SOUTH

LA JOLLA

MAP

NO. 891

351
09

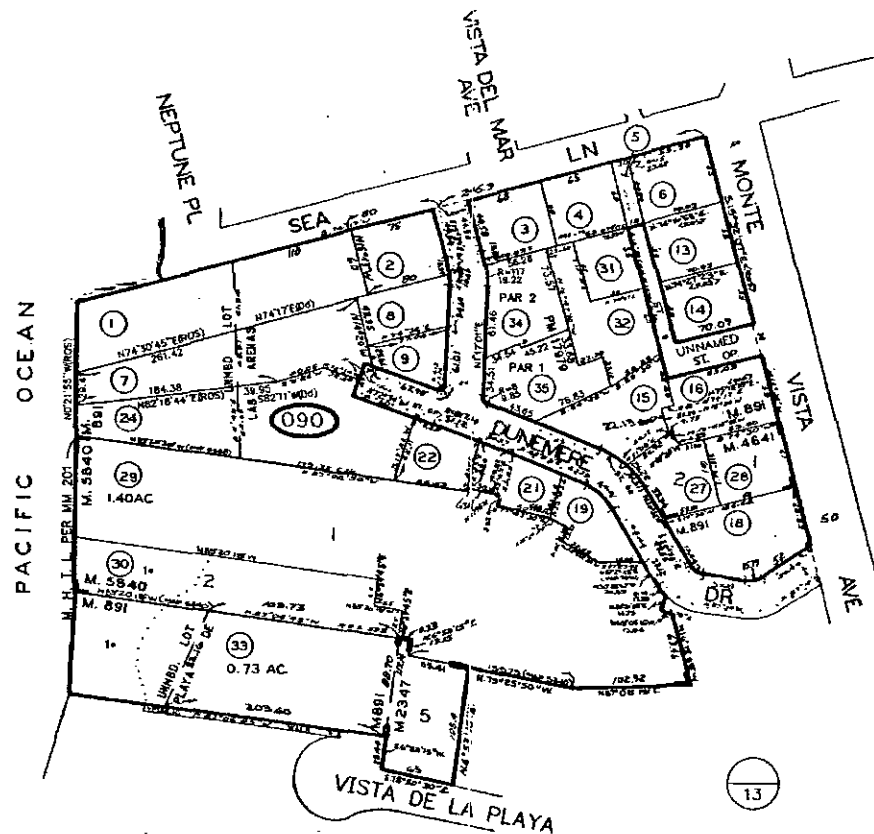
DUNE LANE

DUNE LANE VISTA

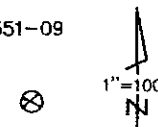
CONST. NO.: 2813637
PROJECT NO.: 432829-080THOS. BROS.: 1247-E1
(SD COUNTY)

PROJECT NAME & LOCATION		DRAWN BY: LGOMEZ	OK TO INSTALL:	DRAWING NO: OS-13913
20SD LA JOLLA BLOCK 1F JOB #3 DUNE LANE SOUTH OF SEA LANE LA JOLLA, CA		DATE: 12/04/2007	R/W OK:	
		SCALE: NONE	JOB TYPE: UGE	COORDINATES 244-1683
		REFERENCES: NONE		

EXHIBIT "A"



351-09



CHANGES				
BLK	OLD	NEW	YR	CUR
	12	31632	71	170
OPND	26-8			
101-131-01	- 33	90	AS	
106-11	34-35	98	1157	
30-33	SAME & ACCESS ESMT	02	551	

1. PUBLIC ACCESS ESSAY

MAP 2347 - FERN GLEN COLONY

MAP 5840 - LA JOLLA WOODS

MAP 4641 - PHLEGER SUB

MAP 891 - SOUTH LA JOLLA FIRST ADD - POR PLAYA DE LAS ARENAS LOT
& POR UNMBD LOT

MM 201,ROS 598,611,614,1498,6367,11645,11761,14712,15359

AUG 02 2001

SAN DIEGO COUNTY
ASSESSOR'S MAP
BOOK 351, PAGE 09

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

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001567

RESOLUTION NO.

R- 251597

(R.80-1851)

APR 14 1980

WHEREAS, the Transportation and Land Use Committee, at its meeting of March 19, 1980, recommended uses of certain City-owned vacant land to the City Council; NOW, THEREFORE,

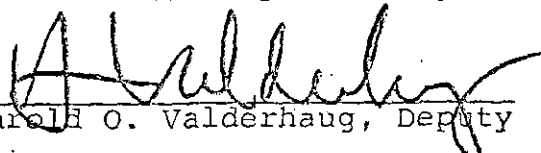
BE IT RESOLVED, by the Council of The City of San Diego, as follows:

That the Transportation and Land Use Committee recommendations on those City-owned sites numbered 127, 349, 350, 382, 816-821, 828, 831, 842-844, 846, 847, 852, 855, 863-865, 868, ~~871-874~~ as shown on that Document No. RR-251597 on file in the office of the City Clerk, are hereby approved.

BE IT FURTHER RESOLVED, that the City Council, by making the above designation, in no way intends to bind itself to utilize the property in accordance with the designation, and the Council specifically intends to be able to change the designation at any time or utilize the property for any purpose determined to be in the best interest of the City at the sole discretion of the Council.

BE IT FURTHER RESOLVED, that this designation serves simply and exclusively as a tentative guide to the City staff with regard to potential use of vacant City-owned land and that it is the Council's intent that this designation and past designations of this nature have no legal or binding effect whatsoever beyond serving as a tentative guide to such staff.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug, Deputy

HOV:ps
3/31/80
Or, Dept. T&LU

001568		REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO		1. CERTIFICATE NUMBER:		
TO: CITY ATTORNEY		2. FROM: (ORIGINATOR) LEON WILLIAMS, CHAIRMAN TRANSPORTATION & LAND USE COMMITTEE		3. DATE March 19, 1980		
4. SUBJECT: Use Determination of City-Owned Property						
5. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTION(S) <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)						
Approving the Transportation & Land Use Committee's recommendations for land uses of the following City-owned sites: 127, 349, 350, 382, 816-821, 828, 831, 842-844, 846, 847, 852, 855, 863-865, 868, 871-874						
6. SUPPORTING INFORMATION: (INCLUDE ONLY INFORMATION NOT COVERED ON FORM 1472A, "DOCKET SUPPORTING INFORMATION". INITIATED BY: Transportation & Land Use Committee meeting of March 19, 1980. SUBMITTED: Listing of sites and their recommended uses as indicated on attached Docket Supporting Information. ACTION REQUESTED BY: Chairman of Transportation & Land Use Committee. HANDLING: Deliver copy of resolution to Property Department, Mail Station 503.						
				CHECK IF ITEM IS TO BE LISTED ON CONSENT AGENDA <input checked="" type="checkbox"/>		
7. FOR INFORMATION CONTACT: (NAME & MAIL STATION) STEFFEN M. S. 503		8. TELEPHONE NO. 6985		9. CHECK IF "DOCKET SUPPORTING INFORMATION" ATTACHED <input checked="" type="checkbox"/>		
10. COMPLETE FOR ACCOUNTING PURPOSES:			11. ROUTING AND APPROVALS			
FUND	BUDGETED	UNBUDGETED	ROUTE (/)	APPROVING AUTHORITY	APPROVAL	DATE SIGNED
DEPT. & FUNCTION			✓	DEPARTMENT DIRECTOR		
OBJECT ACCOUNT				CLEARING AUTH.		
COST ACCOUNT				CLEARING AUTH.		
WORK ORDER NO.						
C.I.P. NO.						
AMOUNT						
12. ESTIMATED COST: cc: Docket			X	DEPUTY CITY MANAGER		
				AUDITOR		
			✓	CITY ATTORNEY		
			✓	ORIGINATING DEPARTMENT		
				CITY MANAGER		
			✓	CITY CLERK		

001569

DOCKET SUPPORTING INFORMATION
CITY OF SAN DIEGO

DATE:

March 19, 1980

SUBJECT:

Use Determination of City-owned Property

BACKGROUND: (DOUBLE SPACE)

COMMITTEE REPORT:

The Transportation & Land Use Committee at its meeting of March 19, 1980, recommended uses of certain City-owned vacant land. These sites and Committee's recommendations are as follows:

<u>Site No.</u>	<u>City Council District No.</u>	<u>Recommendations</u>
127	3	Designate for open space (for one year pending completion of Mid-City Community Plan) (residentially zoned)
349	4	Designate for public facility (street) (residentially zoned)
350	4	Designate for public facility (street) (residentially zoned)
382	4	Designate for public facility (street) (residentially zoned)
816	1	Designate for public facility (sewer pump station) (residentially zoned)
817	1	Designate for public facility (sewer pump station) (residentially zoned)
818	1	Designate for public facility (bikeway) (residentially zoned)
819	1	Designate for open space (residentially zoned)
820	1	Designate for public facility (sewer pump station) (residentially zoned)

BYLINE: (DEPUTY CITY MGR/DEPT. HEAD/AUTHOR INITIALS)

SIGNATURES:

ORIGINATING DEPT. HEAD_____
CITY MANAGER
(FOR MANAGERIAL DEPARTMENTS ONLY)

DOCKET SUPPORTING INFORMATION
CITY OF SAN DIEGO

DATE:

March 19, 1980

SUBJECT:

Use Determination of City-owned Property - contd.

BACKGROUND: (DOUBLE SPACE)

001570
821

821	1	Designate for sale (with adjacent City-owned property) (residentially zoned)
828	N/A	Designate for sale (to adjacent owner) (residentially zoned)
831	1	Designate for open space (agriculturally zoned)
842	3	Designate for public facility (street) (residentially zoned)
843	3	Designate for public facility (street) (commercial recreationally zoned)
844	3	Designate for public facility (street) (residentially zoned)
846	1	Designate for public facility (bikeway) (residentially zoned)
847	5	Designate for public facility (park) (residentially zoned)
852	8	Designate for open space (for one year pending completion of Mid-City Community Plan) (residentially zoned)
855	4	Designate for public facility (street) (industrially zoned)
863	3	Designate for public facility (street) (residentially zoned)
864	2	Designate for public facility (street) (Old San Diego Planned District Zone)

BYLINE: (DEPUTY CITY MGR/DEPT. HEAD/AUTHOR INITIALS)

SIGNATURES:

ORIGINATING DEPT. HEAD_____
CITY MANAGER
(FOR MANAGERIAL DEPARTMENTS ONLY)

DOCKET & SORTING INFORMATION
CITY OF SAN DIEGO

DATE:

March 19, 1980

SUBJECT:

Use Determination of City-owned Property - contd.

BACKGROUND: (DOUBLE SPACE)

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865	2	Designate for public facility (street) (commercially zoned)
868	4	Designate for public facility (street) (residentially zoned)
871	N/A	Designate for sale (to adjacent owners) (commercially zoned)
872	1	Designate for public facility (street) (residentially zoned)
873	1	Designate for public facility (street) (residentially zoned)
874	1	Designate for public facility (street) (residentially zoned)

The full Council's adoption of these recommendations will constitute the City's present use determination for these properties and will aid in establishing a land inventory of previously undesignated vacant City-owned land.

FISCAL IMPACT: None with this action. Funds generated from the sale of those properties designated for sale will be deposited in the appropriate funds at a later date.

The vote was 3-0 with Districts 4 & 8 not present.

BYLINE: (DEPUTY CITY MGR/DEPT. HEAD/AUTHOR INITIALS)

FOWLER:Spotts:MRS

SIGNATURES:

ORIGINATING DEPT. HEAD_____
CITY MANAGER
(FOR MANAGERIAL DEPARTMENTS ONLY)

001572

Actions - March 19, 1980 (Continued)

2. Report from the Planning Department on clarifications to the language of the CC Zone.

Continued for 1 week. VOTE: 3-0 (Districts 4 and 8 not present).

3. Report from the Planning Department on amending the CC Zone to permit apartments on the ground floors.

Recommended approval of the proposed amendments. VOTE: 3-0 (Districts 4 and 8 not present).

4. Report from the Planning Department on a review of the R.V. Zone.

Directed the Planning Department to review with affected Planning Groups the provisions of the R.V. Zone. VOTE: 3-0 (Districts 4 and 8 not present).

5. Report from the Planning Department on amending on-premise sign regulations.

Recommended approval of the proposed amendments. VOTE: 3-0 (Districts 4 and 8 not present).

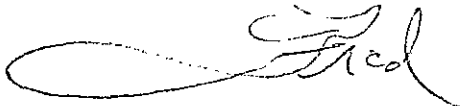
6. The matter of creating apartment and condominium zones in vacant areas in community plans.

Continued for 1 week. VOTE: 3-0 (Districts 4 and 8 not present).

7. Report from the City Manager on proposed land-use designations for vacant city-owned sites.

Recommended approval of the proposed land-use designations as contained in City Manager Report Nos. 80-146 and 80-162 with the exceptions of sites 347, 348 and 870. VOTE: 3-0 (Districts 4 and 8 not present).

Continued sites 347, 348 and 870 for 1 week. VOTE: 3-0 (Districts 4 and 8 not present).



FRED SCHNAUBELT
Committee Vice-Chairman

PROPERTY DESCRIPTION

LEGAL DESCRIPTION:

001573

South La Jolla First Addition, portion Playa de las Arenas Lot

LOCATION:

Monte Vista Avenue and Sea Lane

ACREAGE:

.12 (5,145 square feet)

EXISTING ZONE:

R-1-5 (Coastal Zone)

COMMUNITY PLAN

DESIGNATION:

La Jolla Community Plan designates Street

COMMENTS:

RECOMMENDATIONS

PUBLIC USE:

Street

NON-PUBLIC USE:

DEVELOPMENT

RECOMMENDATIONS:

Alley dedication

RECOMMENDED

DISPOSITION:

T & LU Recommendation:

Designate for public facility (street)

COMMUNITY PLAN

CONFORMANCE:

Yes

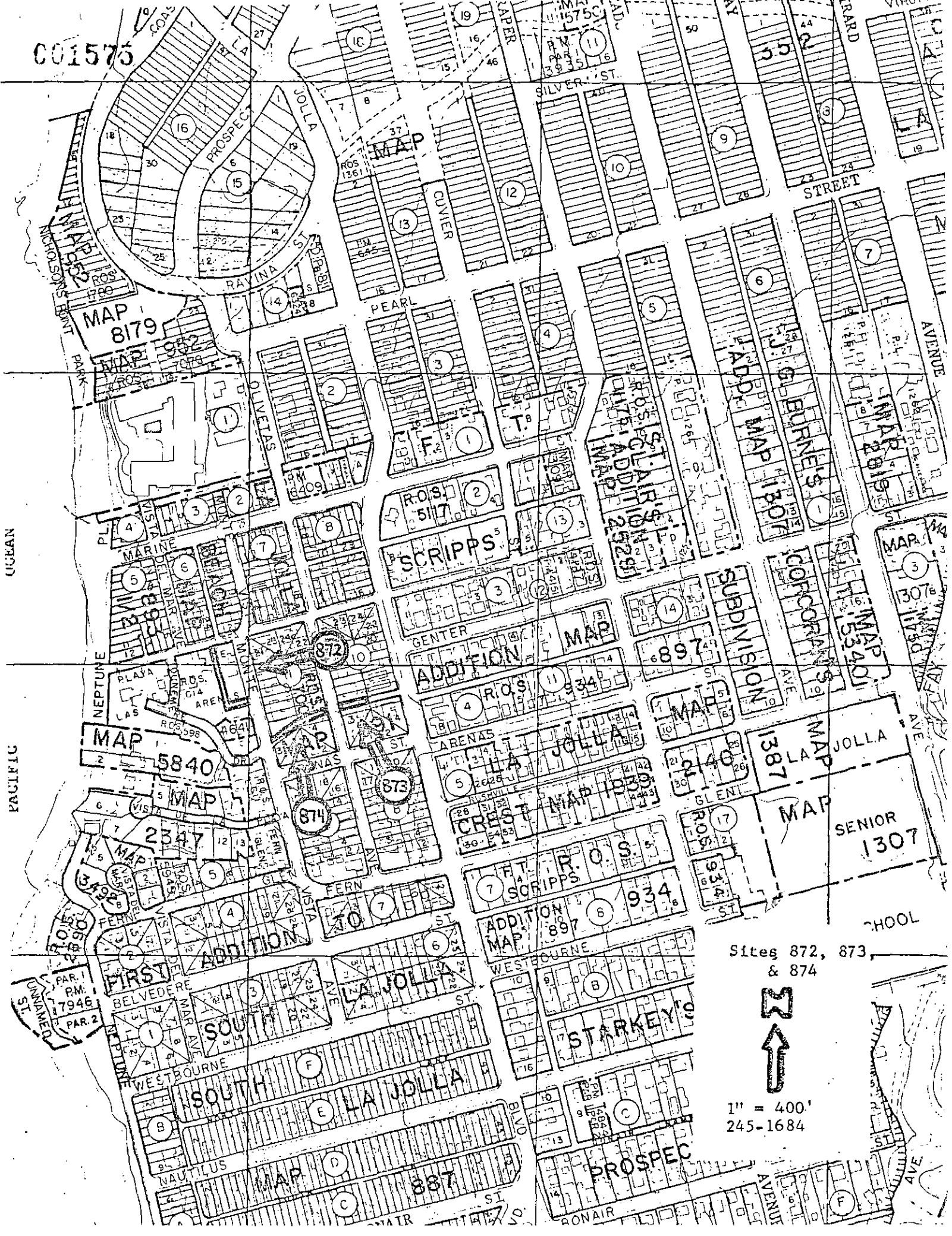
COMMENTS:

Engineering Department staff advises site is needed for street purposes.

Planning Commission advises sale is not in conformance with General Plan.

City Manager's Recommendation - Same as T & LU

001575



Sites 872, 873,
& 874



1" = 400'
245-1684

SUBJECT: UNDERGROUND CONVERSION OF UTILITY LINES BY UTILITY COMPANY
POLICY NO.: 600-08
EFFECTIVE DATE: May 28, 2002

BACKGROUND:

Underground conversion of utility lines and associated facilities by companies is required when, after public hearing, the City Council finds that the public health, safety or general welfare would require the removal of poles, overhead wires and associated overhead structures with the underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service within a designated area, and the City Council has, by resolution declared the designated area an Underground Utility District.

PURPOSE:

To establish a policy for conversion of overhead utility lines by utility companies when the City Council determines that undergrounding of overhead utilities is in the interest of the public health, safety and welfare; and asserts its right to require conversion of overhead utilities in the exercise of its police powers.

POLICY:

It shall be the policy of the Council to:

- A. Exercise the City's police powers to order, and enforce as necessary, utility companies to convert overhead utilities to underground when it is in the interest of the public health, safety and welfare of the general public. Such power shall not be restricted in any form by any qualifying criteria except that such lines or facilities must be within the public right of way, City owned property, or other property within the jurisdiction of the City Council.
- B. Allocate and prioritize projects as follows:
 1. All utilities within the City of San Diego with overhead utilities shall provide to the City Manager each year not later than January 31st a complete and comprehensive list of all overhead utility locations in a format as prescribed by the City Manager. This list shall be accurate to the nearest degree reasonably possible and no utility will be held liable for accidental omissions or errors.
 2. The City Manager shall bring before the City Council a master plan for CPUC Rule 20 projects and a master plan for non CPUC Rule 20 projects, for approval each year not later than June 30th, reflecting the complete list of all overhead utilities within the City, prioritized in order based on the following criteria:
 - a. Qualified CPUC Rule 20A Projects:

COUNCIL POLICY**CURRENT**

- 1st Priority: Any previously funded underground utility district which was subsequently removed from funded list and placed on deferment.
- 2nd Priority: All projects adjacent to a major roadway reconstruction, not including normal roadway maintenance, or other public improvement projects where appropriate.
- 3rd Priority: All major or collector streets contiguous to previous undergrounding.
- 4th Priority: Any street adjacent to public facilities, schools, trolley stations parks, and recreation centers.
- 5th Priority: All major or collector streets with scenic views.
- 6th Priority: All other major or collector streets.
- 7th Priority: All other qualified Rule 20A projects.

b. Non-Rule 20A (Surcharge) projects:

Shall consist of project "blocks" composed of public residential streets and public alley ways to be undergrounded. The project blocks shall be prioritized and selected by the City Council and shall be proportionate to the amount of surcharge allocation for each Council District available for any given allocation year and in keeping with engineering feasibility.

c. No Canyons or other open spaces shall be allocated until such time as all public Major, Collector, Residential and Alley ways that can feasibly be undergrounded are complete.

3. Each year not later than June 30th, the City Council will approve an allocation of projects totaling not less than an amount equal to the electric utility undergrounding surcharge estimated from the proposed budget, July 1 through June 30, plus available funds embedded in electric rates.

a. In consultation with SDG&E, the Council will approve a list of proposed projects that meet the criteria of the Public Utilities Commission Interim Order, Decision No. 73078, Case No. 8209 (henceforth referred to as PUC Rule 20A), at an annual allocation rate equal to the amount embedded in electric rates, plus or minus any adjustments occurring from actual expenditures. In as much as possible this list will be in keeping with the master plan of streets to be converted.

1. The CPUC Rule 20 allocation list shall reflect the priorities as set forth in Section (B)(2)(a).

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- (a) The division of the total PUC Rule 20 allocation available for any given year shall be as follows:
 - 1. 10% shall be allocated at the discretion of the Mayor, with approval of the City Council.
 - 2. 45% shall be allocated equally among all Council Districts with qualified Rule 20 projects.
 - 3. 45% shall be allocated among all Council Districts with qualified Rule 20 projects based on the percentage amount of Major and Collector street miles of overhead lines within that district to the City wide Major and Collector street miles of overhead lines.
- 2. For a project to qualify as a 20A project, it must be determined, after consultation with the electric utility that such undergrounding is in the general public interest for one or more of the following reasons:
 - (a) Such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities;
 - (b) The street or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic; and
 - (c) The street or road or right-of-way adjoins or masses through a civic area or public recreation area or an area of unusual scenic interest to the general public.
- b. The Council will approve a list of proposed project blocks at an annual allocation rate equal to the amount of available electric underground utility surcharge plus or minus any adjustments occurring from actual expenditures. In as much as possible this list will be in keeping with the master plan of streets to be converted.
 - 1. The Surcharge allocation list shall reflect the priorities as set forth in Section (B)(2)(b).
 - (a) The division of the total Surcharge allocation available for any given year shall be as follows:
 - 1. 10% shall be allocated at the discretion of the Mayor, with approval of the City Council.

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2. 45% shall be allocated equally among all Council Districts with public residential streets and public alleys with overhead electrical facilities.
 3. 45% shall be allocated equally among all Council Districts with public residential streets and public alleys with overhead electrical, based on the percentage amount of public residential and public alley miles of overhead lines within that district to the City wide public residential and public alley street miles of overhead lines.
- (b) Each City Council District with overhead residential and alley lines shall allocate one underground surcharge "block" project per year adjusted for the allocation amount for any given year.
1. In as much as possible blocks will be allocated according to the master plan.
 2. In order to avoid a "patchwork" of overhead and underground utility systems. Project "blocks" will be allocated as much as possible to be adjacent to previous "blocks."
 3. Project "blocks" can be amended for any given year as part of the master plan review and approval process, taking into account engineering and allocations constraints.
 4. For any given year, no allocation for surcharge project "blocks" may be split into more than one block, or pieces of more than one block.
2. At the discretion of any given Council District, surcharge allocations for any given year, may include an allocation contribution of surcharge funds towards some assessment district costs for the conversion of overhead lines; or towards other privately financed underground conversion project costs, according to the following provisions:
- (a) No surcharge funds may be contributed towards any initial deposit used for design or project feasibility purposes.
 - (b) A contribution of surcharge funds may not exceed 75% for any assessment district formation cost or other project formation costs.

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- (c) No maximum limit on surcharge fund contribution towards construction costs.
 - (d) Any surcharge funds contributed towards an assessment district or other privately funded underground conversion project shall be subtracted from that districts pro rata allocation of surcharge funds as defined in section B.3.b.1.(a).
 - (e) Any contribution of surcharge funds towards an assessment district or other privately funded underground conversion project shall be identified as part of the yearly allocation list of underground conversion projects. Allocation of surcharge funds may not occur prior to approval of the annual allocation.
- 3. No surcharge allocations or portions of surcharge allocations may be used to fund additional projects that meet CPUC Rule 20 criteria.
 - 4. Underground Utility Districts may include all types and size of electrical transmission and distribution systems, or combination of systems.
 - 5. At the discretion of the City Manager the City may, at its option and in accordance with any SDG&E company rules, perform any or all design or construction work to convert electric utilities within Underground Utility Districts provided adequate notice is provided to SDG&E.
 - a. A minimum of one years notice is required should the City wish to design or construct up to four projects totaling not more than \$5 million dollars in estimated work.
 - b. A minimum of two years notice is required should the City wish to perform design or construction on more than four projects or more than \$5 million dollars in estimated work.

C. Expend undergrounding funds as follows:

- 1. Not less than quarterly SDG&E will deposit with the City Auditor an amount of monies equal to the surcharge to be used by the City solely for the undergrounding of electrical lines and associated activities within the City of San Diego.
- 2. These funds shall be expended on the following costs related to undergrounding:
 - a. The design and construction for the underground conversion of electrical distribution, transmission (whenever feasible), and associated structures within Underground Utility Districts that are not funded with PUC Rule 20A funds.

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- b. Providing and installing all necessary street lighting associated with any underground conversion project, including PUC Rule 20A projects.
- c. Any pavement resurfacing or slurry seal resurfacing required as a result of any underground conversion project, including PUC Rule 20A projects.
- d. All City construction management costs associated with underground conversion activities, including PUC Rule 20A projects.
- e. Any tree replacement required as a result of any underground conversion project, including PUC Rule 20A projects.
- f. Any value engineering or similar studies relating to underground conversion projects or activities.
- g. Costs of conversion on private property.
- h. All environmental compliance costs as may be required.
- i. All directly related expenses to underground electrical systems.
- j. Expenses related to joint trench costs and installation costs of conduit and substructures; as provided for in any cable company franchise agreements or other agreement.

D. Monitor expenditures as follows:

- 1. Not more than once per year, SDG&E will provide to the City full and complete disclosure of requested information and supporting documentation as deemed necessary by the City Manager or a designated consultant to perform a value engineering study of the efficiency and cost effectiveness of the design and construction method being utilized by the utility in order to continually improve future practices.
- 2. At least quarterly or at the written request of the City Manager, SDG&E will provide to the City a detailed analysis of expenditures for each quarter ending March 31, June 30, September 30 and December 31. It shall be due to the City Manager not later than the 15th day of the following month. The report will include all projects both Rule 20A and non Rule 20A. The format of such a report to be designated by the City Manager.
- 3. Not later than January 31st and June 30th of each year, City staff shall report to City Council the status of all allocated underground conversion projects, as well as the status of expenditures and underground conversion account status.

E. Require affected utility companies to:

1. Utilize joint trenches when technically feasible. Any utility that believes joint trenching is not feasible, must provide the City Manager with a timely, written request for a waiver of this requirement.
2. Not delay the implementation of any or all underground activities in regards to established Underground Conversion Districts because of the short or long term future probability of any possible utility relocation.
3. Offer private property owners within the Underground District the complete conversion of all necessary facilities on private property, at no expense to the property owner, which would allow the property owner to receive underground service.
 - a. Property owners who decline offers from utility companies for conversion of property within Underground Conversion Districts will be responsible for the conversion of their property at their sole expense and will not be reimbursed for any work performed on their property to receive underground service.
 - b. Utility Companies shall provide to the City Manager, not less than 180 days before the required completion date of the project, written notification of all property owners who refuse such assistance.

F. Require that the following time lines and milestones be met by all utilities:

1. All Underground Conversion Districts shall be completed at a date 30 months to the day from the date that the City Council resolution establishes the yearly underground allocation list. If any utility believes that it cannot comply with this requirement, a timely, written request for a waiver must be submitted to the City Manager for approval.
 - a. Within 30 calendar days from the date that the City Council resolution establishes the underground allocation list, the City Manager will inform, in writing, all affected parties of the dates for required completion.
 - b. Within 15 calendar days of letter from the City Manager establishing project completion dates, affected parties may appeal in writing to the City Manager the proposed completion dates.
 - c. Within 15 calendar days of appeal the City Manager will notify affected utility companies of any change of established completion dates appeal, or denial thereof.
 - d. All utilities must comply with the milestone dates for completion of work or services within the timelines established in the San Diego Municipal Code. These milestone dates shall commence from the date that the City Council establishes the Underground Utility District.

2. Not later than the 15th of each month, or at the written request of the City Manager, each utility company will provide to the City Manager an updated schedule of dates for the completion of milestones for every project which the Council has created an Underground Utility District affecting that utility company. Milestone definitions and format of report will be designated by the City Manager so that all utilities report in a uniform fashion.
 3. Utilities who fail to meet established project milestone dates as prescribed by the City Engineer shall be subject to applicable remedies as prescribed by the San Diego Municipal Code.
- G. Where property owners desire an underground conversion in situations other than those meeting one of the criteria for conversion at company expense, property owners are required to pay the cost of undergrounding, less those credits as set forth in the applicable company rules as approved by the Public Utilities Commission. The cost for such conversion work, inclusive of the conversion of the property owner's service, may be financed by the use of the appropriate assessment district proceedings.

HISTORY:

Adopted by Resolution R-194286 07/23/1968
Amended by Resolution R-205402 04/20/1972
Amended by Resolution R-292223 09/27/1999
Amended by Resolution R-294335 12/05/2000
Amended by Resolution R-295893 12/11/2001
Amended by Resolution R-296565 05/28/2002

California PUC Electric Rule 20 Governs Conversion of Overhead Lines to Underground

Many Stakeholders and High Cost Are Complicating Factors

- Stakeholders include the community, local residents, and all other ratepayers.
- About 2500 out of 160,000 pole-miles have been converted since 1967.
- Individual ratepayers may look for visual benefits of conversion, and perceive health, safety, and reliability benefits, without knowledge of the costs.
- Conversion costs about \$1 million per mile.
- All ratepayers together pay \$130 to \$180 million annually for conversion.
- Undergrounding projects generally last three years.

Conversion Applications are Subject to Public Protest

- Local governments play the major role in accommodating property owners.
- Property owners may support or protest projects during neighborhood information meetings and in public hearings attended by utilities.

The CPUC Balances Undergrounding Benefits with Fairness of Cost

- CPUC-authorized Tariff Rules
 - Require clear general public benefits;
 - Avoid undue burden on ratepayers.
- Funds are allocated to communities in proportion to customers served from overhead.

Electric and Telecom Programs Have 3 Levels of Funding By Ratepayers

Electric Utilities – Rule 20 A, B and C:

➤ **Rule 20 A - Ratepayers pay 100%**

- The CPUC has pre-authorized utilities to use funds from all ratepayers to place common (existing overhead distribution) lines underground. The community's annual allocation may be banked, or borrowed ahead. See (below) "*Either Property Owners or the Community May Pay*" regarding individual fronting property owner service laterals¹.
- In order to qualify for Rule 20 A funding, a project must satisfy one or more of these Qualifying Criteria:
 - i. Eliminate an unusually heavy concentration of overhead lines;
 - ii. Involve a street or road with a high volume of public traffic; or be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines;
 - iii. Benefit a civic or public recreation area or area of unusual scenic interest.

➤ **Rule 20 B Ratepayers pay about 20%; Applicants 80%**

- This is for applicants who don't meet Rule 20A criteria, but still involve undergrounding both sides of the street for at least 600 feet. Applicant pays for the

¹ Service laterals extend from the utility company's lines in the public-right-of-way to the meter service panel on the customer's premises.

entire cost (excluding transformers and meters) of the new underground system, less an amount equal to the cost of a new overhead system of equivalent capacity.

➤ **Rule 20 C – Ratepayers pay almost none**

- Typically small projects, where Applicant pays everything except for the salvage value and depreciation of the overhead facilities to be replaced.

Telecommunications Utilities – Rule 32 Sections 1, 2, and 3:

➤ **Rule 32A.1 – Ratepayers pay 100%**

- Projects must meet the same general public interest criteria as Rule 20A. Telecommunication utilities convert overhead facilities to underground at their own expense (ultimately paid for by all ratepayers not just by those directly benefiting) when and to the extent that the electric utility companies convert their facilities.

➤ **Rule 32A.2 – Ratepayers pay about 30%**

- Typically at the request of government agencies or groups of homeowners. Applicant pays for the cost of installing underground supporting structure.

➤ **Rule 32A.3 – Ratepayers almost pay none**

- Typically smaller projects where Applicant pays for everything except the net salvage value of the overhead facility to be replaced.

Cable Utilities

- Share cost jointly with other utility services being converted.

Beyond Ratepayer Funds Communities Use Many Funding Sources

- City General Funds
- Developer Contributions and Fees
- Redevelopment Project Financing
- Property owners (Assessment District Bonds, Streets and Highways Code § 5896)
- Use of 20 A allocations for initial engineering design costs of 20 B projects (“leveraging”).
- Transfer of uncommitted allocations from the county to the city.
- Reallocating uncommitted allocations to others having active undergrounding programs.
- Carryover of past-year uncommitted allocations or current use of future-year allocations up to 5 years.

Four features of successful projects are:

1. Thorough **planning** at least a year ahead,
2. Scheduling **flexibility**,
3. Adequate **capital** from
 - Utility
 - Directly-benefiting citizens, and
 - Other sources, and
4. Timely **communications** among all parties involved.

Planning Undergrounding Projects Calls for Coordination and Cooperation ²

Utilities and cities recommend following the steps, based on experience:

- Develop a Joint Underground Utilities Conversion Planning Committee (UUCPC) that consists of members from the community and the utility company³.
- Develop a Conversion Master Plan if the community considers using a developer fee program (California Government Code § 66000).
- Develop a Utilities Conversion Plan ⁴.
- Establish a general enabling ordinance.
 - Call public hearings
 - Designate individual underground utilities districts (UUD)
 - Make it unlawful for utility companies to maintain overhead facilities in an UDD, unless specifically exempted.
 - State the responsibility of utility companies.
 - Require property owner in an UDD to perform work on their premises necessary to receive underground utility service.
 - State the responsibility of the City.
- Create an Underground Utility District
 - UUCPC propose a boundary map of the conversion area.
 - Utility company approves project and verifies project funding.
 - Notices are distributed to affected property owners and hold public hearings.
 - City Adopt a resolution to create an underground utilities district, establish a date by which property owners must be ready to receive underground utility service, and determine actions for failure to meet that date ⁵.
- Develop a Project Coordinating Committee
 - Project walk-through
 - Early contact with property owners
 - Community
 - Notify property owners the date that they must be ready to receive underground service
 - Electric permitting requirements.
 - Utility Company notifies property owners of service lateral requirements.
 - Project Management
 - Establish a trenching agent.
 - Obtain encroachment permits and rights-of-way
 - Develop bid specification
 - Develop composite trench drawings
 - Select contractors
 - Install trenching and substructures
 - Place underground facilities

² Refer to the Underground Conversion Planning Guide sponsored by the League of Cities and the utilities, for detailed information.

³ City should ensure that the appropriate provisions are included in the cable company's franchise agreement. City should negotiate directly with the railroad on overhead conversion.

⁴ Utilities periodically revise their labor and material costs so Utility Conversion Plans should be updated once a year, preferably in conjunction with the community's capital improvement project budgeting process.

⁵ The city should plan and adopt the resolution 12-18 months prior to project start date.

- Pull and splice cables, and energize the new system
- Remove overhead facilities
- Inspections

Either Property Owners or the Community May Pay for Service Laterals

- **Property Owners may pay in annual installments and are responsible for:**
 - All trenching and backfilling from the property line to the point of termination on the customer's premises,
 - Installing rigid conduits, and
 - Converting their electric service panels.
- **Or, a community may request**
 - Utility companies to include all or part of the cost of service lateral and electric service panel conversions within the overall cost of a 20A project
 - Not to exceed 100 feet of service lateral and
 - \$1500 of electric panel conversion cost per property owner.
 - If service laterals are included then fewer blocks may be converted in a given project unless a community pays for some of the work from local funds.

History of the Undergrounding Program

- 1967 – Decision 73078 required electric utilities to file tariff rules for replacement of overhead to underground distribution facilities, submit annual allocation amounts for overhead conversions, and to report conversion work completed for the preceding years. Tariff Rule 20 was established for electric conversions and Rule 32 for telecommunication.
- 1968 – Utility allocations (annual cost caps in each community) are set proportional to –
- 1968 – the total number of electric meters;
 - 1982 – only the number of overhead meters;
 - 1990-Present – both the total number of meters and the number of overhead meters.
- 2000 – CPUC opened Order Instituting Rulemaking (OIR) 00-01-005 to implement Assembly Bill 1149 regarding undergrounding of electric and telecommunication facilities.
- 2001 – The Commission issued Decision (D.) 01-12-009 in Phase I of the OIR directing expanded use of Rule 20 funds and listing issues for Phase 2
- 2002 – The Commission issued D.02-11-019 to signal consideration of a new rulemaking to address Phase 2 issues.
- 2003 – Commissioner Kennedy assigned at expiration of Commissioner Duque's term.
- 2005 – D.05-04-038 closed OIR 00-01-005. D.01-12-009 remains effective until a new proceeding is opened consistent with the Commission's resources and priorities.

001589

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS
DESIGNEE, TO EXECUTE AN EASEMENT DEED IN FAVOR
OF SAN DIEGO GAS & ELECTRIC COMPANY FOR
UNDERGROUND FACILITIES AFFECTING A PORTION OF
PLAYA DE LAS ARENAS, IN THE FIRST ADDITION TO
SOUTH LA JOLLA.

WHEREAS, San Diego Gas & Electric Company[SDG&E] is requesting The City of San
Diego [City] execute an easement deed for 360 square feet for underground facilities and
appurtenances for the transmission and distribution of electricity and related purposes; and

WHEREAS, as part of the City's underground program (Council Policy 600-08),
SDG&E proposes to relocate existing pole-mounted transformers to ground pads and install
various electric conduit runs; and

WHEREAS, when possible, the facilities will be installed in City streets pursuant to
existing franchise rules; and

WHEREAS, one of the locations for the electric conduit runs is in Dune Lane, adjacent to
the southern boundary of Sea Lane; and

WHEREAS, Dunn Lane is an alley comprised of dedicated public right-of-way and a
City owned parcel, APN 351-090-05 as shown on the attached parcel map which was designated
for street purposes pursuant to Council Resolution No. R-25197, but the resolution did not
dedicate the parcel in perpetuity for Public Street purposes, therefore, SDG&E can not install per
their franchise; and

001590

WHEREAS, this action will allow SDG&E to accommodate the City's project and install the new pad and transfer along with the necessary rights of ingress, egress and maintenance of the proposed facilities; and

WHEREAS, the City of San Diego as Lead Agency under CEQA has reviewed and considered a Mitigated Negative Declaration No. 23247, dated November 2007, covering this activity, adopted December 23, 2007; and

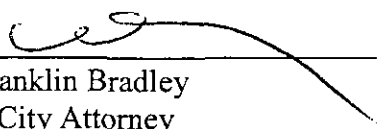
WHEREAS, SDG&E will be charged a processing fee of \$1,590 for the easement and since the project is a California Public Utilities Code 20SD conversion, the cost of which is paid by the City, no compensation is requested for the easement; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor, or his designee, is authorized and empowered to execute an easement deed, for and on behalf of The City of San Diego, conveying to SDG&E a 360 foot easement for underground facilities, in the First Addition to South La Jolla, according to Map 891, filed in the Office of the County Recorder of San Diego County, more particularly described in said easement on file in the office of the City Clerk as Document No. RR-_____.

BE IT FURTHER RESOLVED, that the City Comptroller is authorized to accept and deposit \$1,590 from San Diego Gas & Electric into Fund 100; Revenue Account No.77438.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Todd Franklin Bradley
Deputy City Attorney

TFB:bas

10/24/08

Or.Dept: READ

R-2009-543

MMS #6943

001591

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor